FILED

FEB 1 9 2004

CATHY A. CATTERSON, CLERK U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

NOT FOR PUBLICATION

FOR THE NINTH CIRCUIT

KEVIN COOPER,)	
Petitioner,)	No. 04-70578
v.)	ORDER
JEANNE WOODFORD, Warden,)	
San Quentin State Prison, San)	
Quentin, California,)	
Respondent.)))	

Before: SCHROEDER, Chief Judge, KOZINSKI, TASHIMA, SILVERMAN, GRABER, WARDLAW, W. FLETCHER, FISHER, TALLMAN, RAWLINSON and BYBEE, Circuit Judges.

Respondent's motion for stay of mandate, filed February 11, 2004, is hereby DENIED. Judges Silverman and Tallman would grant the stay.

The Clerk shall issue the mandate on March 2, 2004, twenty-one days from this court's February 9, 2004 order.